

FILED
BOARD OF PHYSICAL THERAPY
SEP 22 2009

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHYSICAL THERAPY EXAMINERS

Administrative Action

CONSENT ORDER

This matter came before the New Jersey State Board of Physical Therapy Examiners (hereinafter referred to as the "Board") upon the Board's random audit of licensed physical therapists and physical therapist assistants pursuant to N.J.A.C. 13:39A-9.4(d) who submitted license renewal applications to engage in the practice of physical therapy for the 2008-2010 biennial renewal period. The renewal applications submitted by

licensed physical therapists and physical therapist assistants included an acknowledgment regarding whether or not the licensees had completed thirty (30) continuing education credits during the period from February 1, 2006 through January 31, 2008 as required for the 2008-2010 biennial license renewal period pursuant to N.J.S.A. 45:9-37.18(a)10 and N.J.A.C. 13:39A-9.1 et. seq.

The information supplied by Beth Kleinman, P.T (hereinafter referred to as the "Respondent") in correspondence dated May 2, 2008 in response to the Board's audit is that she has completed seventeen (17) Board pre-approved credits and an additional eleven (11) hours of education provided by the Department of Health and Senior Services (DHSS). Upon a review of the submissions, the Board found that the courses sponsored by DSS entitled "EI Procedural Safeguards" taken for five (5) continuing education credits and the course entitled "Intro to IFSP Development" taken for six (6) continuing education credits are not pre-approved by the Board. For courses not pre-approved by the Board, a course outline and curriculum vitae for each lecturer must be provided to obtain credit pursuant to N.J.A.C. 13:39 A-9.3 (g) and N.J.A.C. 13:39 A-9.6 (a) upon audit. The information provided in your letter dated September 30, 2008 was insufficient to permit the Board to determine whether the DHSS courses satisfied the Board's regulation regarding approval of continuing education courses as no curriculum vitae or outlines

were included. In addition, the Board has denied the respondent's request that her staff education courses be counted towards the continuing education requirement because staff education courses are generally not open to the general population of physical therapists and physical therapist assistants and do not meet the requirements of N.J.S.A. 45:9-37.34f(a) and N.J.A.C. 13:39A-9.3 (h).

Based upon all the available information reviewed, the Board has found that the respondent has completed seventeen (17) of the required continuing education credits. The Respondent's conduct in failing to obtain thirty (30) continuing education credits in the period from February 1, 2006 through January 31, 2008 establishes a basis for disciplinary action as the Respondent did not meet the requirements for renewal of her license to practice as a physical therapist assistant as she failed to obtain the requisite thirty (30) continuing education credits within the two years preceding the renewal period as required by N.J.S.A. 45:9-37.34(d) and N.J.A.C. 13:39A-9.1 et. seq.

It appearing that the respondent desires to resolve this matter without further proceedings and waiving any right to a hearing, and the respondent acknowledging and not contesting the findings of fact and conclusion of law made by the Board; and the Board having been satisfied that the within resolution adequately

protects the public health, safety and welfare; and for good cause shown:

ACCORDINGLY, IT IS ON THIS 22nd DAY OF, September 2009

ORDERED that:

1. The Respondent's license to practice as a physical therapist assistant, renewed on February 1, 2008 and in active status, will remain active on the condition that the Respondent submits documentation that she has satisfactorily completed an additional thirteen (13) continuing education credits as required by N.J.S.A. 45:9-37.34(d) and N.J.A.C. 13:39A-9.1 et. seq. within thirty days (30) of the filing date of this order. Respondent may submit satisfactory proof of completion of continuing education courses relating to physical therapy which were not pre-approved by the Board for credit if the continuing education courses met the requirements of N.J.A.C. 13:39A-9.3(a) and the provider meets the requirements of N.J.A.C. 13:39A-9.6. Failure to comply with this condition within the stated time period will result in the automatic and immediate suspension of the Respondent's license to practice physical therapy in New Jersey without further order until such time as respondent submits satisfactory proof of completion of all required credits.

2. The thirteen (13) continuing education credits taken as part of this action shall not qualify to fulfill the mandatory continuing education requirements for the 2010-2012 renewal period pursuant to N.J.A.C. 13:39A-9.2(d).

3. Respondent is cautioned in the future to obtain the requisite continuing education courses within the preceding renewal period as required by N.J.S.A. 45:9-37.34(d) and N.J.A.C. 13:39A-9.1 et. seq.

4. Respondent is hereby assessed a civil penalty in the amount of **\$500.00** for her failure to obtain the thirty (30) continuing education credits within the preceding biennial licensure renewal period.

5. Payment shall be made by certified check or money order immediately upon accepting and signing of this Consent Order and sent to the attention of Lisa Petrowski, to the Board of Physical Therapy Examiners, P.O. Box 42014, Newark, New Jersey 07101.

6. Failure on the part of the respondent to pay the civil penalty timely or to comply with any of the terms of this Consent Order constitutes a violation of the Order, proof of

which would constitute grounds for further disciplinary action by the Board.

NEW JERSEY STATE BOARD
OF PHYSICAL THERAPY EXAMINERS

By: Karen Wilk, P.T., D.P.T. 400400520100
Karen Wilk, P.T., D.P.T.
Chair

I have read and understand the within
Consent Order and agree to be bound
by its terms. Consent is hereby given
to the Board to enter this Order.

Beth Kleinman
Beth Kleinman, P.T. DATED: